

**RESOLUTION NO. 15-018**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS  
APPROVING SITE DEVELOPMENT PERMIT NO. SD14-0022 TO ALLOW FOR A  
MASTER SIGN PROGRAM FOR A MULTI-TENANT INDUSTRIAL BUILDING  
CONSISTING OF WALL SIGNS AND MONUMENT SIGN AT 901-931 CADILLAC  
COURT**

**WHEREAS**, on December 16, 2014, an application was submitted by Dave Farrar with Sun Graphics, 8040 Wells Ave. Suite C, Newark, CA 94560 (“Applicant”) for a Site Development Permit to allow for a master sign program consisting of wall signs and monument sign for a multi-tenant industrial building located at 901-931 Cadillac Court. The property is located within Industrial Park Zoning District (APN: 22-38-019).

**WHEREAS**, the Planning Division completed an environmental assessment for the Project in accordance with the California Environmental Quality Act (CEQA), and recommends that the Planning Commission determine this Project exempt under CEQA.

**WHEREAS**, on June 10, 2015, the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by City staff, the applicant, and other interested parties.

**NOW THEREFORE**, the Planning Commission of the City of Milpitas hereby finds, determines and resolves as follows:

**Section 1:** The Planning Commission has duly considered the full record before it, which may include but is not limited to such things as the City staff report, testimony by staff and the public, and other materials and evidence submitted or provided to the Planning Commission. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

**Section 2:** The proposed Project is categorically exempt from further CEQA review under Section 15301 (Existing Facilities) and 15311 (Accessory Structures) of the CEQA Guidelines. The project is an existing industrial development that proposes a master sign program that establishes a standard criteria for the installation of tenant signage consisting of wall signs and one monument sign on the premises.

**Section 3:** *Site Development Permit (Section XI-10-57-03(F)) - The Planning Commission makes the following findings based on the evidence in the public record in support of Site Development Permit No. SD14-0022:*

- 1. All elements of the sign, including design, lighting, scale, length and materials, are consistent with the intent of the General Plan, the Sign Ordinance and any applicable Specific Plan.*

The project is consistent with the General Plan's Implementing Policy 2.a-I-3 and Implementing Policy 2.a-I-7 in that it the proposed signage would help promote the PS Business Park, encourage economic pursuits and business retention by providing appropriate visibility and business identification.

The Zoning Designation for this site is Industrial Park which allows various industrial and professional office uses permitted uses. The purpose and intent of the Industrial Park Zoning District is to accommodate limited group of research, professional, packaging, and distribution facilities in a park-like setting. The project is consistent with this designation in that the project provides business identification for the industrial businesses.

As discussed in detail in the staff report and herein, the project is consistent with Milpitas Sign Ordinance in that the proposed sign proposal complies with the total allowable sign area, number of freestanding signs, sign height, and appropriateness of the sign design as described below.

#### Sign Area

Per MMC XI-10-24.03 (B) (Maximum Permissible Sign Area), the site is allowed a maximum of 855 square feet for signs based on one square foot of sign area for every two feet of building perimeter. As demonstrated in Table 1, the project proposes 807 square feet of sign area, which is less than the maximum allowed for the site.

**Table 1:**  
**Sign Area Calculations**

| <b>Sign Type</b>                               | <b>Quantity</b> | <b>Sq. Ft.</b> | <b>Total Square Footage</b> |
|--|-----------------|----------------|-----------------------------|
| Tenant Monument (Sign A)                       | 1               | 21             | 21                          |
| Tenant Entry Sign High Corner Façade (Sign B1) | 3               | 50             | 150                         |
| Tenant Entry Sign Low Corner Façade (Sign B2)  | 2               | 50             | 100                         |
| Skyline Tenant Sign (Sign C)                   | 4               | 134            | 536                         |
| Total Sign Area                                |                 |                | 807                         |
| Total Allowable Sign Area                      |                 |                | 855                         |
| Excess Sign Area                               |                 |                | 48                          |

The sign program allocates a maximum sign area of 186.83 square feet to a major tenant and 52.83 square feet to a minor tenant. Signage for major tenants include one storefront entry sign, one rear wall skyline sign, one door ID sign, and one address line on the tenant monument sign. Signs for a minor tenant include all sign except the rear wall skyline sign.

The sign program grants one exception to accommodate an existing tenant sign. The Tuff Shed's rear wall sign has an existing sign area of 172 square feet and exceeds the sign program standard by 38 square feet. Since there is approximately 48 square of unallocated sign area, this Resolution grants the use of the additional sign area to this tenant for the life of the sign. If and

when Tuff Shed vacates its occupancy or removes and/or modifies the wall sign at this location, any subsequent wall sign shall conform to the master sign program.

#### Sign Height and Number of Freestanding Signs

According to MMC XI-10-24.04-1, the maximum number of signs and sign height is determined by amount of street frontage. Per the Sign Ordinance, one sign is permitted per each street frontage. One additional sign may be granted on parcels with more than 300-feet of public street frontage. Sign height is determined by the following calculation: one foot of height for every eight lineal feet of public street frontage, not to exceed 25 feet in height. The project proposes one 3-foot 6-inch monument sign located with a landscaped planter area and therefore complies with the Sign Ordinance requirements for freestanding signs.

#### Sign type, materials and location

Table 2 summarizes the sign types, illumination, and location that are proposed for the PS Business Park sign program.

**Table 2:**  
**Sign Type, Illumination, and Location**

| Sign                            | Sign Type  | Illumination           | Location                                       |
|---------------------------------|--|------------------------|--|
| Main Project Monument           | Metal fabricated sign with vinyl graphics for tenant names | Non-illuminated        | Driveway at Cadillac Ct.                       |
| Tenant Entry Sign (wall sign)   | 1/2" dimensional acrylic letterforms                       | Non-illuminated        | Over main entrance for each tenant             |
| Tenant Skyline (rear wall sign) | 4" channel letter with face lit dimensional letterforms.   | Internally illuminated | Within sign band area along the west elevation |
| Door ID                         | 7" vinyl graphic   | Non-illuminated        | Entry door                                     |

2. *The design, scale and materials of the sign harmonize with the architectural design and details of the building or site it serves.*

The signs include a combination of illuminated and non-illuminated letters and a logo mounted on the wall and vinyl address line on the existing monument sign. The proposed sign types, style and monument sign heights are similar to other signs on the building and complement the building architecture and design elements.

3. *The design and scale of the sign is appropriate to the distance from which the sign is normally viewed.*

The proposed signs provide for visibility and legibility as well as provide the appropriate relationship of scale and height to the building. The logo and lettering on the exterior wall are appropriate for the size of the building because the wall signs will be located within the designated sign bands. The driveway monument is appropriate and necessary given that the

location of the building is located at the end of Cadillac Court and is setback from the street. The location of the monument will not impact site distance or create a traffic hazard.

4. *The design and materials of the sign provide a contrast between the background and letters.*

The signs include a combination of dimensional letterforms and logo mounted on the wall. As conditioned, the dimensional letters would provide 4-inch thickness to provide depth and contrast between the building and wall signs.

5. *The provisions of the Sign Program ensure consistency in design and style of all new signs.*

The proposed sign program specifies the sign type, letter and logo heights, and designate sign locations to ensure orderly, harmonious, and aesthetic business identification for the business park. The sign program includes a combination of new wall signs and a monument sign. The proposed finish for the wall signs would consist of non-illuminated acrylic letters as well as internally illuminated channel letters that face the freeway. The proposed wall signs for the single-story building would be over the entry doorway and within the designated sign bands on the rear elevation. The existing monument sign entails vinyl lettering for the business name and address.

6. *The provisions of the Sign Program address compatibility of the design and style of any existing signs on the building or site.*

The proposed sign program addresses compatibility of materials and design continuity in that the proposed signs include a combination of dimensional letterforms including non-illuminated acrylic letters and internally illuminated channel letters on the wall which are compatible with other signs in the area that are non-illuminated, the neighboring riparian habitat and residential homes located to the east as well illuminated channel letter signs that face the freeway. All letters shall have a minimum thickness of 4-inches and a letter height of 36-inches maximum for tenant entry signs and 72-inches for the tenant skyline signs. As conditioned, all logos shall be restricted to a height of 60-inches.

7. *All new signs within the Sign Program are in compliance with the design guidelines of this Chapter.*

- a. The project is consistent with Chapter 24 (Signs) of the Milpitas Municipal Code in that the proposed sign area is within the total allow able sign area. The proposed logo and lettering on the exterior wall and monument signs is appropriate and proportionate to the scale and massing of the building. As proposed, the sign program establishes a sign criteria that provides for design consistency and uniformity for signage. As proposed, sign are to be installed within the designated sign bands on the building and existing monument sign and comply with sign area and letter/logo height requirements.

- b. The proposed signs have the appropriate relationship of height to the building. The logo and lettering on the exterior wall and monument sign are appropriate for the size of the building and/or freestanding sign structure and provides for attractive business identification that is clear and legible.

**Section 4:** The Planning Commission of the City of Milpitas hereby adopts **Resolution No. 15-018 approving Site Development Permit No. SD14-0022 to allow for a master sign program for a multi-tenant industrial building located at 901-931 Cadillac Court, based on the above Findings and subject to the Conditions of Approval attached hereto as Exhibit 1 incorporated herein.**

**PASSED AND ADOPTED** at a regular meeting of the Planning Commission of the City of Milpitas on June 10, 2015.

---

Chair

**TO WIT:**

**I HEREBY CERTIFY** that the following resolution was duly adopted at a regular meeting of the Planning Commission of the City of Milpitas on June 10, 2015, and carried by the following roll call vote:

| COMMISSIONER            | AYES | NOES | ABSENT | ABSTAIN |
|-------------------------|------|------|--------|---------|
| Sudhir Mandal           |      |      |        |         |
| Larry Ciardella         |      |      |        |         |
| Gurdev Sandhu           |      |      |        |         |
| Rajeev Madnawat         |      |      |        |         |
| Demetress Morris        |      |      |        |         |
| Hon Lien                |      |      |        |         |
| Ray Maglalang           |      |      |        |         |
| Zeya Mohsin (alternate) |      |      |        |         |

**EXHIBIT 1****CONDITIONS OF APPROVAL  
SITE DEVELOPMENT PERMIT NO. UP14-0022****General Conditions**

1. General Compliance. The applicant and owner, including all successors in interest (collectively “Permittee”) shall comply with each and every condition set forth in this Permit. This Site Development Permit No. SD14-0022 (collectively “Permit”) shall have no force or effect and no building permit shall be issued unless and until all things required by the below-enumerated precedent conditions have been performed or caused to be performed and this Resolution has been recorded by the Permittee with the Santa Clara County’s Recorder Office and a copy shall be provided to the Planning Department. **(P)**
2. Effective Date. Unless there is a timely appeal filed in accordance with the Milpitas Zoning Code, the date of approval of this Permit is the date on which the decision-making body approved this Permit. **(P)**
3. Acceptance of Permit. Should Permittee fail to file a timely appeal within twelve (12) calendar days of the date of approval of this Permit, inaction by Permittee shall be deemed to constitute each of the following:
  - a. Acceptance of this Permit by Permittee; and
  - b. Agreement by the Permittee to be bound by, comply with, and to do all things required of or by Permittee pursuant to all of the terms, obligations, and conditions of this Permit. **(P)**
4. Permit Expiration. Pursuant to Section XI-10-64-06 of the Milpitas Zoning Code, this Permit shall become null and void if the activity permitted by this Permit is not commenced within two (2) years from the date of approval, or for a project submitted with a tentative map, within the time limits of the approved tentative map. Pursuant to Section XI-10-64.06(B) of the Milpitas Zoning Code, an activity permitted by this Permit shall be deemed to have commenced when the project:
  - a. Completes a foundation associated with the project; or
  - b. Dedicates any land or easement as required from the zoning action; or
  - c. Complies with all legal requirements necessary to commence the use, or obtains an occupancy permit, whichever is sooner. **(P)**
5. Time Extension. Pursuant to Section XI-10-64.07 of the Milpitas Zoning Code, unless otherwise provided by State law, Permittee shall have the right to request a one-time extension of the Permit if the request is made in writing to the Planning Division prior to the expiration date of the approval. **(P)**

6. Project Job Account. If Permittee's project job account is at any time delinquent or below the required deposit amount, City will not continue to review or process the application until Permittee's private job account is paid in full and the required deposit has been made. Additionally, prior to the issuance of any building permit or occupancy permit, as applicable, Permittee shall pay in full the project account balance and establish a remaining balance of at least twenty-five percent (25%) of the required initial deposit. **(P)**
7. Notice. Pursuant to California Government Code Section 66020, any protest filed in court relating to the imposition of fees, dedication, reservations, or other exactions to be imposed on the development project shall be filed within ninety (90) days after the date of the adoption of this Resolution. This provision serves as notice from the local agency to the Permittee that the ninety (90) day period in which the Permittee may file a protest has begun under California Government Code Section 66020(d)(1). **(P)**
8. Cost and Approval. Permittee shall fully complete and satisfy each and every condition set forth in this Resolution and any other condition applicable to the project to the sole satisfaction of the City. Additionally, Permittee shall be solely responsible and liable for the cost to satisfy each and every condition. Permittee shall pay all required fees and charges to City at the rate in effect at time of building permit issuance, or, the rate in effect when the fees and charges are due and paid in full to City. There is no vesting of any fees or charges with the adoption of this Resolution. **(P)**
9. Conditions. Each and every condition set forth in this Exhibit shall apply to the project and continue to apply to the project so long as the Permittee is operating the project under the permits and approvals in this Resolution. **(P)**
10. Compliance with Laws. The construction, use, and all related activity authorized under this Permit shall comply with all applicable local, state, and federal laws, rules, regulations, guidelines, requirements, and policies. **(CA/P)**
11. Previous Approvals. Permittee shall abide and continue to comply with all previous City approvals, permits, or requirements relating to the subject property, unless explicitly superseded or revised by this Permit. **(P)**
12. Indemnification. To the fullest extent permitted by law, Permittee shall indemnify, defend with counsel of the City's choosing, and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to (i) City's approval of the project, including but not limited to, the approval of the discretionary permits, maps under the Subdivision Map Act, and/or the City's related determinations or actions under the California Environmental Quality Act, and (ii) Permittee's construction, operation, use, or related activity under this Permit. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City,

and/or the parties initiating or bringing such proceeding. Permittee shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. Permittee shall pay to the City upon demand or, as applicable, to counsel of City's choosing, any amount owed pursuant to the indemnification requirements prescribed in this condition. **(P/CA)**

13. Revocation, Suspension, Modification. This Permit may be suspended, revoked, or modified in accordance with Section XI-10-63.06 of the Milpitas Zoning Code. **(P)**
14. Severability. If any term, provision, or condition of this Permit is held to be illegal or unenforceable by the Court, such term, provision, or condition shall be severed and shall be inoperative, and the remainder of this Permit shall remain operative, binding, and fully enforceable. **(P)**
15. Permittee shall develop the approved project in conformance with the approved plans approved by the Planning Commission on (January 28, 2015), in accordance with these Conditions of Approval. Any deviation from the approved site plan, elevations, materials, colors, landscape plan, or other approved submittal shall require that, prior to the issuance of building permits, the Permittee shall submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the Planning Director or Designee. If the Planning Director or designee determines that the deviation is significant, the owner or designee shall be required to apply for review and obtain approval of the Planning Commission or City Council, as applicable, in accordance with the Milpitas Zoning Code. **(P)**
16. Compliance with Fire Department and CA Fire Code. The Project shall comply with the requirements of the Milpitas Fire Department and the CA Fire Code. Changes to the site plan and/or building(s) requires review and approval by the Fire Department. **(F)**
17. Written Response to Conditions. The Permittee shall provide a written response to the Conditions of Approval indicating how each condition has been addressed with the building permit application submittal. **(ALL)**

### **Site Development Permit**

18. Non-illuminated acrylic letters shall have a minimum thickness of 4-inches and match the thickness of the illuminated channel letters.
19. Additional 38 square feet of unallocated sign area has been assigned to an existing rear wall sign for Tuff Shed. This resolution grants the use of the additional sign area to this tenant for the life of the sign. If and when Tuff Shed vacates its occupancy or removes and/or modifies the wall sign at this location, any subsequent wall sign must conform to the master sign program.

(P) = Planning  
(B) = Building  
(E) = Engineering  
(F) = Fire Prevention



(CA) = City Attorney